

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed November 1, 2007. Claims 1-16, 32, 36, 37, and 39 are cancelled, claims 17 and 31 are amended, and new claim 41 is added. Claims 17-31, 33-35, 38, and 40-41 are now pending in view of the above amendments.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. The remarks set forth herein or the lack of remarks is not to be considered as an admission regarding assertions of the Examiner regarding the teachings of the art. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. Allowed Subject Matter

The Examiner's allowance of claim 33 is appreciated. Applicant wishes to thank the Examiner for the careful review and allowance of those claims.

The Applicant's submit the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. Applicant agrees with the Examiner that the claimed invention of claim 33 is patentable over the prior art, but respectfully disagrees with the Examiners statement of reasons for allowance as set forth in Office Action. Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable. Therefore, Applicant's do not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

II. Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 17-27, 34-35, and 39 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,862,322 (*Ewen*) in view of U.S. Patent No. 4,574,249 (*Williams*). Claims 28 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ewen* in view of *Williams* and further in view of U.S. Patent No. 7,105,797 (*Kimura*). Claims 29-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ewen* in view of *Williams* and further in view of U.S. Patent No. 7,002,131 (*Lewis*). Claim 31 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ewen* in view of U.S. Patent No. 5,498,865 (*Gaboury*). Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ewen* in view of *Williams* and further in view of *Mohandas*.

Applicant respectfully disagrees. As discussed below, the cited references fail to establish a *prima facie* case of obviousness with regard to the pending claims. In particular, the references, either individually or in combination, fail to teach or suggest each and every element of the rejected claims. As an initial matter, Applicant notes that the cancellation of claim 39 has rendered the rejection of this claim moot.

As noted above, Applicant has amended claim 17 to recite in part “a control circuit external to the amplifier having a first terminal that provides the control signal to the control terminal, at least a second terminal coupled to an output terminal of the amplifier, and a third terminal via which a user-end control signal can be fed into the control circuit.” Support for such amendment is found at least in Figures 1 and 3 and page 8, lines 8-22 of the originally filed specification.

In sharp contrast, the Office action has not shown that the purported combination of *Ewen* and *Williams* teaches a control circuit as recited in amended claim 17. Applicant notes that cancelled claim 39 recited a control circuit similar to the control circuit recited in amended claim 17. In rejecting this claim, the Office Action cited elements 202, 310, and 314 of Figure 3B of *Ewen* as showing a control circuit as claimed.

However, even assuming *arguendo* that these elements constitute a control circuit, they still do not teach or disclose the control circuit as recited in amended claim 17. For example, elements 310 and 314 are clearly internal to amplifier 102. Thus, any control circuit consisting of elements 202, 310, and 314 of Figure 3B of *Ewen* cannot be external to the amplifier as is required by claim 17.

Accordingly, the Office Action has not established a *prima facie* case of obviousness with regard to amended claim 17 at least because the Office Action has not shown that the purported combination of *Ewen* and *Williams* teaches and every element of claim 17.

In regards to claim 31, Applicant notes that this claim has been amended to recite in part an impedance network that comprises a plurality of switching transistors, a plurality of resistors connected in parallel, a plurality of capacitors connected in parallel with the plurality of resistors, and a transistor that functions as a linearly controllable resistor according to a gate voltage such that the impedance of the impedance network is continuously variable. Support for such amendment is found at least in Figure 2 and page 12, line 11 – page 16, line 20 of the originally filed specification.

In sharp contrast, the Office action has not shown that the purported combination of *Ewen* and *Williams* teaches a control circuit as recited in amended claim 31. Accordingly, the Office Action has not established a *prima facie* case of obviousness with regard to amended claim 31 at least because the Office Action has not shown that the purported combination of *Ewen* and *Williams* teaches and every element of claim 31.

The Office Action suggests that *Williams* teaches a MOS-FET transistor or a bipolar transistor, that *Lewis* teaches a TO-46 package, a TSSOP package, or a VQFN20 package, that *Kimura* teaches a duty cycle control, that *Mohandas* teaches a coding device, and that *Gaboury* teaches that optical receiver circuits are governed by the equation $V = K/B$. Applicant does not concede these points as they are moot for at least the reasons stated above.

Further, the Office Action has not established that any of *Williams*, *Lewis*, *Kimura*, *Mohandas*, and *Gaboury* teach or disclose the elements of amended claims 17 and 31 that are missing in *Ewen* and *Williams*. Accordingly, the dependent claims overcome the cited art for at least the same reasons that amended claims 17 and 31 overcome the art.

CONCLUSION

In view of the foregoing, Applicant believes the claims as amended or presently pending are in allowable form and that every issue raised by the Office Action has been addressed. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorneys.

Dated this 25th day of February, 2008.

Respectfully submitted,



ERIC L. MASCHOFF
Registration No. 36,596

SHANE K. JENSEN
Registration No. 55,301
Attorneys for Applicant
Customer No. 22913
Telephone: (801) 533-9800

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